

Is it ever OK to lock up runaway kids? Public officials weigh in

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Gabriel Campanario / The Seattle Times

The Becca laws were intended to help parents intervene in the lives of children who chronically run away or skip school. But they're often a vehicle for sending kids to juvenile detention.

By [Compiled by Times staff](#)

Sunday's Opinion page explained how the state's 20-year-old Becca laws, intended to help parents intervene in the lives of children who chronically run away or skip school, have become a vehicle to detain these children in juvenile facilities around Washington.

To continue the conversation around this controversial practice, we asked a handful of public officials to share their response to the question, "When is it OK to lock kids up for noncriminal offenses?"

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Detention sends the wrong message

By Anne Lee

Special to The Times

Young and homeless

Editor's note: Editorial writer Jonathan Martin spent several weeks looking at youth homelessness from all angles, traveling in-state and out to talk with kids, parents, foster parents, social workers, state officials and lawmakers. In the coming days and weeks, The Seattle Times editorial board will publish a series of editorials, columns and guest commentaries addressing this issue.

Video: What would have helped you?

Meet six young people from [The Mockingbird Society](#) talk about their experiences being homeless and what helped them get off the streets.

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Interested in being a foster parent?

The state reports a “severe” shortage of foster-care homes, especially for older children, which sometimes leads to children being held in detention facilities.

From the [state DSHS’ Children’s Administration website](#): “Successful foster parents have two things in common: They have a desire to help children, and they are flexible — they know how to roll with the punches. Most importantly, foster families need to provide safe, stable and caring homes for children.”

Support for this series

Reporting for this project was made possible with financial support from the Annie E. Casey Foundation, a private, national philanthropy that aims to build better futures for disadvantaged children in the U.S. The work was done and directed independently of the foundation.

I usually follow the adage “never say never,” but not in this instance. When asked whether it’s ever appropriate to lock up a child for noncriminal behavior, “never” is my answer.

TeamChild has provided legal services to Washington’s most vulnerable children since 1995. We have worked with thousands of young people and have heard their stories and struggles. Many of our clients get locked up for noncriminal behavior like running away or skipping school. Their reasons are varied and complex: conflict with parents, abuse and neglect in the home, the loss of a friend or family member to violence, drugs or alcohol, failing a class, being bullied, becoming disengaged from school after a suspension or expulsion, and being treated more harshly because of the color of their skin or the language they speak.



Anne Lee is executive director of TeamChild, a Seattle-based youth advocacy organization.

When the Becca laws brought teenagers to court for these reasons, there was hope that the court process would connect youth to services and support families in resolving conflict. But time has shown that courts lack the resources and tools to effectively address the underlying needs of youth and their families. The use of incarceration often comes from a belief that punishment will change a kid's behavior for the better. But, research and experience prove otherwise, and the youth we work with tell us differently.

When courts threaten to detain and then use incarceration to compel a change in behavior, the message conveyed is about power, coercion and punishment. This drives families and kids away from getting the support they need.

Court involvement and incarceration are not effective approaches for addressing these underlying issues. We now know that connecting kids to positive supports and helping them develop skills build a much better foundation for success. The starting point is keeping kids in the community and emphasizing the creation of relationships that are based on trust and respect instead of fear and judgment.

Anne Lee is executive director of TeamChild, a Seattle-based youth advocacy organization.

Safety of children is the top concern

By David L. Edwards

Special to The Times

As the presiding judge in Grays Harbor County Superior Court, I regularly handle all juvenile court cases involving criminal proceedings, truancy court and youth-at-risk petitions.

I have approximately 100 youths appear in my court every week. Many of these children are drug-addicted and live in highly dysfunctional homes with parents who are drug or alcohol-addicted and physically or mentally abusive. Some of these children are homeless, either by choice or necessity, and live in dangerous situations — abandoned buildings or with adults who are criminal offenders or registered sex offenders.



David L. Edwards is a judge presiding on the Grays Harbor County Superior Court.

My paramount concern is the immediate safety of these children. I also have to consider treatment options, family counseling and residential placement alternatives. There are, in many cases, very limited resources available to deal with the crises facing each of these kids.

The juvenile detention facility in our county is used for multiple purposes. The detention facility is used for “status offenders” as a residential crisis center and to reduce or control behavior that is endangering the child.

When a status offender — a child who has stopped attending school or has run away from home or foster care — appears before the court, inquiries are made to assess whether that child is living safely. If the child is living in a dangerous situation, we attempt to identify a readily available safe placement. If there is not a safe placement, the child is placed in our detention facility. We then ask Child Protective Services to assist in finding an alternative placement.

Grays Harbor County does not have a secure, or semi-secure, residential crisis center, so our detention facility is used for that purpose on a regular basis. Every child has his or her own room, we have an on-site school, and the children are kept safe by a highly dedicated, well-trained staff of detention officers.

Many juveniles are ordered into drug treatment or mental health counseling. If they repeatedly refuse treatment, they are placed in the detention facility for up to seven days to compel compliance.

Our court is actively involved in creating additional and better treatment options for the youth in our community and their families. In 2016, our Health Department will implement a System of Care program to provide much needed services to these kids and their parents, including intensive family therapy, drug treatment and mental health counseling.

David L. Edwards is a judge presiding on the Grays Harbor County Superior Court.

Locking up kids should be last resort

By Mark Miloscia

Special to The Times

No child should be in jail or homeless — ever. Locking up children for non-criminal offenses should be the absolute last resort and used only to keep children safely off the street away from gangs, sex traffickers and drug dealers.

Rather than asking, “Where do we send them?” we should be asking, “Where is the leadership and plan to restore children to their families, or to rehabilitate these families as a whole, or find another family if their own remains abusive?”



State Sen. Mark Miloscia, R-Federal Way, represents the 30th Legislative District in Olympia.

Unfortunately, we have no leadership or planning. Our state has backed off on funding secure housing and reconciliation services, leaving jails as the lesser of two evils. Even worse, our state foster care and mental health systems are struggling from mismanagement and inadequate state leadership, leaving nonprofit providers in the field struggling year after year. This is disgraceful.

More importantly, why? Why, during this time of record economic growth and low unemployment in Seattle, is the number of homeless and “at-risk” children growing there while it declines in the rest of the state?

As a society, we have forgotten that teenagers are still children, and children need a committed, married, two-parent family setting as their foundation. This is where they are meant to grow physically, emotionally and morally. Government programs and public teachers will never be able to raise children — only mothers and fathers can raise them.

Although poverty causes some families to suffer, we can’t ignore the fundamental root problem that we now have a culture that promotes individualism and immediate “happiness” over lifelong marriages, children and sacrifice. Homeless children and broken families fighting drugs, instability, poverty, crime and failure are the inevitable results of our new culture.

We can do better. Policymakers and community leaders must recognize that marriage and family are critical institutions that need healing and community support. We must promote a culture that defers our individual happiness to our primary responsibility to be

loving parents and active community members. If we do this, then the “to jail or not to jail” issue, and many more societal ills, will disappear.

State Sen. Mark Miloscia, R-Federal Way, represents the 30th Legislative District in Olympia.

The answer is easy: Never

By Jeannie Darneille

Special to The Times

The easy answer to the question is clear: Never. A non-criminal offense, or status offense, is a general term used for youth who have violated conduct that would not be considered illegal for an adult. These behaviors commonly include truancy, running away from home, curfew violations, and possession of tobacco or alcohol.

Juvenile courts nationwide process about 110,000 status offense cases each year. Fewer and fewer states are relying on out-of-home placements and jail time for status offenders. Washington state, however, ranks 50th in the country for this practice. More than 2,700 kids per year are incarcerated with truancy as the main infraction.



State Sen. Jeannie Darneille, D-Tacoma, represents the 27th Legislative District in Olympia.

Using juvenile justice system interventions to respond to behavior that is problematic, but not criminal in nature, is costly and often does more harm than good for both the individuals and communities involved. Youth placed in detention are more likely to drop

out, have difficulty finding employment, and end up in the criminal justice system as adults. Is that the fate we want for children in Washington?

It's not logical to prolong a child's absence from school by several days of jail time and expect a successful outcome. When youth return to school, they're undoubtedly further behind in their studies and face trauma and stigma associated with their time in detention.

The root causes for truancy are complex and stem from individual, school, family or community-specific factors, from mental-health and substance-use issues to child abuse, domestic violence, bullying and poverty. Instead of incarcerating status offenders, we ought to fund and provide resources that address the real reasons why kids are not attending school.

There are many promising practices and diversion options used around the country and in some counties here at home. The Truancy Project in Clark and Cowlitz counties works to engage with students in front-end services and has all but eliminated the need for detention among truant youth in those communities.

We have an opportunity to change the way our state's juvenile justice system interacts with status offenders. Let's put kids and their futures first instead of locking them up.

State Sen. Jeannie Darneille, D-Tacoma, represents the 27th Legislative District in Olympia.

We have to detain kids to help them

By Peter A. Peterson

Special to The Times

Together, parents and society try to protect our children from the time they are born until at least adulthood at age 18. Our laws, rules, restrictions and home rules all attempt to do this. So, what then with the youths who are on a self-destructive path of refusing to attend school, running away, living on the streets, prostituting themselves for drugs, and

committing crimes for drugs? If we cannot hold an out-of-control youth, how are we supposed to diagnose and administer the help they need?

First, referencing a juvenile facility as a “jail” creates the connotation that our system is the same as the adult jail and prison system. To be clear, the only similarity is that the facility is secure; beyond that, the functions and requirements are distinctly different to help youth.



Peter A. Peterson is the director of Clallam County Juvenile and Family Services. He has worked in the... **More**

When we hold a child in a secure facility, our goals are to provide safety, security and coordination of services until release as soon as possible. My question to those who do not believe any child should be detained is this: Where would you suggest that these children go? One idea is to establish more semi-secure group facilities, not just regionally but within local areas throughout the state to reach all children in need. Of course, semi-secure means youth can still run away, which they do.

A recent report from Columbia Legal Services concluded that admitting a child into a juvenile facility causes homelessness. I disagree. If the youth was homeless before admission, the juvenile system didn't cause it. If a youth has no parent willing or capable to be released to, then the threat of homelessness would have been present before admission.

Part of the problem lies in our state foster-care system, which is woefully underfunded and has to consider the youngest children as the most vulnerable to be placed in care.

This is why we have teenage street youth without parents, without a home, and with little possibility of foster placement.

I do not believe that secure juvenile facilities are the ultimate answer to resolve the issues of these children. I do believe these facilities at least provide a short-term safe facility to diagnose, treat and facilitate better options for the youth. Ultimately it is up to the individual to accept the options or run away again and continue the cycle. If it was my child, I would rather have him or her in a safe and secure short-term placement getting the services that may be needed.

The destiny of these children is in their own hands. If we can't hold them in a safe place, how do we help them?

Peter A. Peterson is the director of Clallam County Juvenile and Family Services. He has worked in the juvenile justice system in Washington state for 36 years.

Compiled by Times staff